

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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GREEN OAK HEDGE FUND, Ltd., d/b/a  
GREEN OAK TRADING COMPANY,  
  
Plaintiff,

vs.

RICK HOPKINSON, ELITE TRADING  
INTERNATIONAL, LLC., et al.,  
  
Defendants.

MEMORANDUM DECISION AND  
ORDER DENYING PLAINTIFF'S  
MOTION FOR A PREJUDGMENT  
WRIT OF ATTACHMENT

Case No. 2:06-CV-636 TS

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This matter is before the Court on Plaintiff's Motion for a Prejudgment Writ of Attachment. The Motion seeks a writ to issue against defendants Rick Hopkinson (Hopkinson) and Elite Trading International (Elite).

Fed. R. Civ. P. 64 provides that the remedy of prejudgment attachment is available "under the circumstances and in the manner provided by the law of the state in which the district court is held." In Utah, the substantive standard and the procedure governing prejudgment writs are contained in Utah R. Civ. P. 64A. That Rule provides that "the

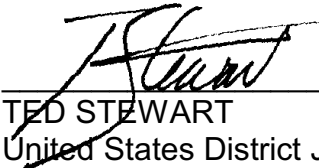
affidavit supporting the motion shall state facts in simple, concise and direct terms that are not conclusory.”<sup>1</sup>

The Court finds that the Motion and Affidavit are merely conclusory and, therefore, fail to establish grounds for a prejudgment writ of attachment. For example, neither the Motion nor the Affidavit specify what property Plaintiff seeks to attach, in what manner either Elite or Hopkinson is avoiding service of process,<sup>2</sup> in what manner Elite or Hopkinson have an interest in any of the unspecified property to be attached, or any facts supporting the allegation that either Elite or Hopkinson has, or is about to, assign, dispose of, or conceal the unspecified property or property they seek to attach. Neither the Motion nor the Affidavit contains any analysis of Plaintiff’s likelihood of success on the merits. Plaintiff having failed to establish grounds under Fed. R. Civ. P. 64 and Utah Rule Civ. 64A, it is therefore

ORDERED that Plaintiff’s Motion for a Prejudgment Writ of Attachment (Docket No. 48) is DENIED.

DATED June 4, 2007.

BY THE COURT:

  
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TED STEWART  
United States District Judge

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<sup>1</sup>Utah R. Civ. P. 64A(c).

<sup>2</sup>Elite and Hopkinson were served and have filed Answers, see Docket Nos. 21 and 25.